

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 22, 2003

TO: Orange County Zoning Administrator

FROM: P&DSD/Current Planning Services Division

SUBJECT: Public Hearing for Planning Application PA03-0024 for Use Permit

PROPOSAL: Use Permit request to Amend Use Permit 3436 granted in 1973 to add a second cellular communications user (the first approved under CP980047) to the roof and side of an SBC (Pacific Bell) switching station and office building (present in the neighborhood since 1955), and construct screening in the way of building modifications (the first user's antennae were attached to pre-existing screens).

The height of building modifications for the sole purpose of screening the new second user cell site would be to a maximum of 44 feet, 2 inches. The pre-existing screen structure is currently 45'6".

AT&T Wireless proposes to add twelve panel antennae behind screening features on the roof and side of the building, plus 4 equipment cabinets at ground level not interfering with the existing parking. No permanent emergency generator would be located at the site, nor would a generator fuel tank be installed under this proposal.

LOCATION: In the east Tustin unincorporated area at 1971 Irvine Blvd., Third Supervisorial District.

APPLICANT: AT&T Wireless, Lessee
SBC (originally Pacific Telephone and Telegraph Company), Owner
Delta Groups Engineering, Agent

SYNOPSIS: Current Planning Division recommends Zoning Administrator approval subject to findings and conditions.

STAFF PLANNER/CONTACT: Jim Swanek, Project Manager
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BACKGROUND:

The proposed project is classified as a principal use and would be permitted subject to approval of a Site Development Permit within the E4 "Small Estates" District zoning. Communications antennae are permitted with a height limit of 45' (10' more than the District height limitation). However, the Orange County Zoning Code is silent on whether screens to hide the bare antennae may also exceed the District

height limit. Since clearly a well-screened antenna is superior in aesthetics and potential visual impacts on the neighborhood, staff is treating this proposal as an Amendment to Use Permit 3436 granted on 9/13/73, which brought the building to its present structural height of 35' plus what was originally mechanical equipment screening above that on the roof. Such mechanical equipment screening was permitted under Zoning Code Section 7-9-129.3 (b) Architectural Features, which permits appropriately screened mechanical units and chimneys that do not exceed 10% of the roof area to exceed the District height limit.

SITE ZONING AND SURROUNDING LAND USE:

The site is located along the northeast side of Irvine Boulevard at its intersection with Browning Avenue. Single-family residential neighborhoods in the "Tustin unincorporated areas" are to the north, west, and east. Diagonally across the broad intersection of Irvine and Browning is a similarly designed single-family residential neighborhood in the City of Tustin.

The County's General Plan shows a land use designation of "Suburban Residential", suggesting the long-term intended use of property in the area. The existing telephone switching building was established in 1955 by a Conditional Permit issued by the Orange County Planning Commission, within the E4 Small Estates zoning, as a necessary use adjunct to the residential development of the larger area.

Direction	Land Use Designation	Existing Land Use
Project Site	E4 "Small Estates"	Telephone switching station
North	E4 "Small Estates"	Single family dwellings
South	City of Tustin Single Family Resid.	Single family dwellings
East	80-E4 "Small Estates"	Single family dwellings
West	R1 "Single Family Residential"	Single family dwellings

CEQA COMPLIANCE:

The proposed project was found to be Categorically Exempt from the provisions of CEQA as a "minor modification to an existing structure", or "Class 1". Prior to project approval, the decision-maker must make a finding to this effect (recommended in Attachment A) for the proposed project.

PUBLIC NOTICES, DISTRIBUTION FOR REVIEW, AND COMMENTS RECEIVED:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were previously distributed for review and comment to the North Tustin Advisory Committee, the Foothill Communities Association, and various County departments. On April 16, 2003, the North Tustin

Advisory Committee approved the request subject to an assurance that the appearance of the screening features would be properly maintained. The minutes of that meeting are attached as Exhibit 3.

Technical comments received have been incorporated into recommended Conditions of Approval #7-9. NTAC requested a condition related to maintenance of a quality appearance to these screening features. Staff has developed Condition of Approval 10, which should adequately serve this purpose. No comments arising from posting or mailing of the public notice have been received to date.

REVIEW AND ANALYSIS:

The use proposal is to add a second cellular communications user to the roof and side of an SBC (Pacific Bell) switching station and office building. The first user was approved under a changed plan (CP980047), rather than a Site Development Permit, because the user was a subsidiary of the building owner.

The physical proposal is to construct two features to screen new cellular antennae. One is a faux-"brick chimney" along the northwest side of the building extending to a height of 40 feet 2 inches. The other is a smaller "brick chimney" on the roof itself to a height of 44 feet 2 inches.

This Use Permit to Amend previous Use Permit 3436 granted in 1973 is deemed necessary not only to add a second cellular communications user, but to construct new screening over the District height limit of 35' in the way of building modifications (the first user's antennae were attached to pre-existing screens). The height of building modifications for the sole purpose of screening the new second user cell site would be to a maximum of 44 feet, 2 inches. The pre-existing screen structure is currently 45'6".

Staff is of the opinion that the roof-mounted "chimney" will be almost completely unnoticeable. The side "chimney" will likely be visible to some homeowners to the north, west, and southwest. It would not be visible to anyone else. It would be most visible to drivers traveling southeast on Irvine Boulevard approaching the Browning intersection. From that vantage (and others), it is not likely to be offensive to anyone.

The ground placement of equipment cabinets will not eliminate any parking spaces nor significantly interfere with any thru-driveway.

RECOMMENDATION

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Application PA 03-0024 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad Brown, Chief
CPSD/Site Planning Section

APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Exhibits: (Zoning Administrator package only)

- 1. Applicant's Letter of Explanation
- 2. Site Plans
- 3. North Tustin Advisory Committee Meeting Minutes
- 4. Photos